

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

JOSE L. HINOJOSA,
Plaintiff,

VS.

CCA PROPERTIES OF AMERICA, LLC;
d/b/a CORRECTION CORPORATION OF
AMERICA,
Defendant.

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CIVIL ACTION NO. L-07-97

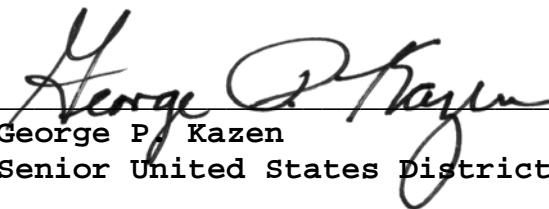
MEMORANDUM AND ORDER

The Court rendered summary judgment in favor of Defendant in a Memorandum and Order of January 12, 2010. (Dkt. 56.) Plaintiff moves for reconsideration. (Dkt. 61.) A motion to reconsider should not be granted unless there is (1) an intervening change of controlling law; (2) new evidence not previously available; or (3) a need to correct a clear error of law or fact or to prevent a manifest injustice. Schiller v. Physicians Resources Group, Inc., 342 F.3d 563, 567 (5th Cir. 2003). Plaintiff offers no newly discovered evidence or intervening change of controlling law. (Dkt. 61 at 4.) Rather, Plaintiff asserts that "[t]he Court appears to have only examined the proposed evidence submitted by the Defendant." (Dkt. 61 at 25.)

Plaintiff is mistaken. Before rendering summary judgment, the Court considered all of the evidence in the record in the

light most favorable to Plaintiff. Plaintiff points out that the Court's Memorandum and Order does not explicitly address some of the depositions and documents that Plaintiff submitted. (Dkt. 61 at 12-17; Dkt. 64 at 6.) The Court rendered judgment on a single issue: whether Plaintiff was constructively discharged. The Court's Memorandum extensively addresses the evidence relevant to that issue, including much of the evidence Plaintiff claims the Court ignored. (Compare, e.g. Dkt. 56 at 26-31, with Dkt. 61 at 12, 14-15, 20-21.) Once it considers all of the evidence, the Court is not obliged to describe in its opinion every piece of evidence in the record which it deems not relevant to the critical issue. Plaintiff's motion for reconsideration (Dkt. 61) is DENIED.

DONE at Laredo, TX, this 15th day of March, 2010.


George P. Kazen
Senior United States District Judge